

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NATHAN MARQUIS LEBARON,
Plaintiff,
vs.
MICHAEL R. SCHMITT and DEBRA
BOND,
Defendants.

NO. CV-08-006-LRS

ORDER REGARDING NOTICES OF APPEAL
AND MOTIONS FOR RECONSIDERATION

MICHAEL R. SCHMITT and DEBRA BOND,

Defendants.

By Order filed July 10, 2008, this action was dismissed and Plaintiff's request to proceed *in forma pauperis* was denied. Judgment was also entered. On July 16, 2008, the court simultaneously received a Notice of Appeal and a Motion for Court to Reopen Case . . . (Ct. Recs. 20 and 19) from Mr. LeBaron. On July 21, 2008, Plaintiff submitted a second Notice of Appeal simultaneously with a Motion to Reconsider and Amend (Ct. Recs. 23 and 22).

This court considers the simultaneously filed Notices of Appeal to have divested it of jurisdiction to consider Plaintiff's Motions. *See United States v. Christy*, 3 F.3d 765, 767-68 (4th Cir. 1993). *See also Salvatto v. County of Solano*, 2007 WL 1515017 (E.D. Cal. 2007) (unpublished opinion). As Plaintiff's Motions for Reconsideration (Ct. Rec. 19 and 22) were not "pending" at the time

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1 the notices of appeal were filed, this court believes it does not have
2 jurisdiction to consider the motions and will consider them only if
3 instructed to do so by the Ninth Circuit Court of Appeals. This court
4 further finds Mr. LeBaron's appeal is not taken in good faith. 28
5 U.S.C. Section 1915(a)(3).

6 The District Court Executive is directed to enter this Order and
7 forward a copy to Plaintiff and close the file.

8 **DATED** this 24th day of July, 2008.

9
10 *s/Lonny R. Sukko*

11 LONNY R. SUKO
12 UNITED STATES DISTRICT JUDGE